



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 1981-00
11 August 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 8 August 1990 for four years at age 18. The record reflects that you were subsequently advanced to SA (E-2). On 19 March 1991 you were seen for a drug/alcohol dependency screening due to a second alcohol-related incident. After a roommate reported that you came in drunk every night, you were enrolled in the Navy Alcohol and Drug Safety Action Program (NADSAP), which you completed on 15 March 1991. This second incident occurred when a bottle of whisky fell out of your coat pocket while you were crossing the quarterdeck. During the screening interview, you reported that smoked marijuana prior to service, but since you could not do that now, you used alcohol. You stated that you used alcohol the first thing in the morning and another five or six times during the day. You were diagnosed as psychologically dependent on alcohol but dependency on marijuana was in remission. Level II inpatient detoxification was recommended. Level III inpatient rehabilitation treatment was suggested if retained or, if not, administrative separation via a Veterans Administrative (VA) treatment facility.

On 28 March 1991 were notified that you had been evaluated by a medical officer as being alcohol dependent and were offered level III rehabilitation treatment for drug and alcohol abuse. You were counseled on the rehabilitation treatment and the consequences of declining such treatment. Thereafter, you declined treatment.

On 1 April 1991 the commanding officer was advised of your satisfactory participation in the drug abuse interview and that separation was recommended. However, your attendance at Alcoholic Anonymous three times of week was recommended until a decision was made on your retention.

On 21 August 1991 you were notified that discharge was being considered by reason of alcohol abuse rehabilitation failure as evidenced by your declining level III treatment. You were advised of your procedural rights and waived those rights. You did not object to the discharge and further declined treatment via a VA treatment facility prior to discharge. On 6 September 1991, the discharge authority directed separation by reason of alcohol abuse rehabilitation failure with the type of discharge warranted by the service record. You received a general discharge on 23 September 1991 and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are discharged by reason of alcohol abuse rehabilitation failure. The Board noted your contention that after spending seven months waiting in transient personnel unit, the command said it made a mistake and you could either stay in school, go to a ship, or get out. However, your contentions are neither supported by the evidence of record nor by any evidence submitted in support of your application. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code.

The Board did not consider the characterization of your discharge since you have not exhausted your administrative remedies by first applying to the Naval Discharge Review Board (NDRB). That board is authorized to change both the reason for discharge and the characterization of discharge. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 which may be used to apply to the NDRB.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the

Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director